



1313 North Market Street
P.O. Box 951
Wilmington, DE 19899-0951
302 984-6000

www.potteranderson.com

Richard L. Horwitz
Partner
Attorney at Law
rhorwitz@potteranderson.com
302 984-6027 Direct Phone
302 658-1192 Fax

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VIA ELECTRONIC FILING

The Honorable Gregory M. Sleet
United States District Judge
J. Caleb Boggs Federal Building
844 N. King Street, Lockbox 18
Wilmington, DE 19801

**Re: Biovail v. Andrx Pharmaceuticals LLC et al.,
C.A. No. 05-586 (GMS)**

Dear Chief Judge Sleet:

I am writing on behalf of defendant Andrx Pharmaceuticals LLC with respect to Andrx's pending motion to strike what it believes was an untimely expert report. Andrx filed the motion on April 11, 2007, and the motion was fully submitted as of May 8, 2007. The briefs can be found at Docket Nos. 152, 169 and 179.

I am writing at this time because the deposition of the Biovail expert at issue is scheduled for next month, along with the deposition of the Andrx expert who would address what Andrx regards as the untimely report, in the event that the Court does not grant the motion. If the Court declines to strike the report, then Andrx would not wish to be precluded from responding at trial.

We stand ready to address the motion with Your Honor, if argument would be helpful. Otherwise we will await further instructions from the Court.

Respectfully submitted,

/s/ *Richard L. Horwitz*

Richard L. Horwitz

RLH/msb
807559 / 30015

cc: Clerk of the Court (via Hand Delivery)
Counsel of Record (via Electronic Mail)